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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,645	10/12/1999	CARL BINDING	RSW9-99-084	5106
7590 04/29/2004			EXAMINER	
Marcia L. Doubet Esq. Law Offices of Marcia L. Doubet P.O. Box 422859 1455 Riviera Dr. Kissimmee, FL 34744			CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	
			DATE MAILED: 04/29/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/415,645

Applicant(s)

BINDING ET AL.

Examiner

Paul E. Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-41 and 65-69 is/are allowed.
- 6) ☒ Claim(s) 42-44, 47, 48, 50-52, 54, 55, 57-59, 61, 62 and 64 is/are rejected.
- 7) ☐ Claim(s) 45, 46, 49, 53, 56, 60 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-64 were pending in this application at the time of the mailing of the previous Office Action. New claims 65-69 have been added. Claims 1-69 have been examined.

Response to Arguments

2. Applicant's arguments, see paper 4, filed 1-15-2004, with respect to the rejections of the claims under 35 USC 112 2nd paragraph have been fully considered and, when taken together with the changes made to the language of the claims by the latest amendment are persuasive. The 112 2nd paragraph rejections of have been overcome.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 42-44, 51, 52, 58, and 59 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Rescorla et al. "The Secure Hypertext Transfer Protocol" Network Working Group, request for Comments 2660, August 1999. Rescorla teaches a method for establishing a secure connection between a client application and a server application using pre-existing message types (HTTP: GET, POST), said method comprising the steps of "piggy-backing" a request for said server application to select a message encoding scheme onto a first message sent

from said client application to said server application wherein said first message uses a first pre-existing message type (Sec. 1.4.2 "key exchange and encryption" Sec. 2.4.4, Sec 3.1, Sec 3.2.1), piggy backing a first portion of a security information onto a second message sent from said server application to said client application wherein said second message uses a second pre-existing message type and responds to said first message, (Sec 3.2.4.3: "SHTTP Algorithms" Sec 5.2.6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 47, 48, 50, 54, 55, 57, 61, 62, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rescorla as applied to claims above, and Official Notice taken as detailed below

As for claims 47, 54, and 61, Rescorla does not specifically teach a request for a secure page, however Official Notice may be taken that the use of a request message for a secure page wherein request further comprises an identifier for such page is a step that is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated this feature into the system of Rescorla. It would have been desirable to do so as this would allow GUI interface entry of security parameters in client-server authentication routines.

As for claims 48, 50, 55, 57, 62, and 64, Rescorla does not teach the features of claim 47 upon which claims 48 and 50 are dependent, or the features of claim 54 upon which claims 55 and 57 are dependent, or the features of claim 61 upon which claims 62 and 64 are dependent. However Rescorla does teach all of the features of claims 48, 50, 55, 57, 62 and 64, i.e., said request for said message encoding scheme further comprises an identifier of said client application (3.3.1), a nonce of said client application (Sec. 3.3.4), and optionally including a timestamp (3.3.3) and said first portion further comprises a set of information encrypted using a public key of the server application (Sec. 3.3.2).

Allowable Subject Matter

7. Claims 45, 46, 49, 53, 56, 60, and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-41, and 65-69 are allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336. The examiner can normally be reached on M-F from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

4-20-04

Paul Callahan